

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2018 IM010

CR&R Incorporated
11292 Western Ave
Stanton, CA 90680-2912

CONSENT ORDER

Health and Safety Code
Section 25187 and 25404.1.1

EPA I.D. No. CAL000328908

Respondent.

1. INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control, Imperial Certified Unified Program Agency (Department) and CR&R Incorporated (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operates a solid waste collection facility at the following site: 599 East Main Street, El Centro, CA 92243 (Site).

1.3. Inspection. The Department inspected the Site on June 5, 2018.

1.4. Authorization Status. Respondent does have a certificate to manage hazardous materials and hazardous waste at the Site.

1.5. Jurisdiction. Section 25187 and 25404.1.1 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code section 25508.2, in that on or about March 1, 2016, and March 1, 2017, Respondent failed to annually review and electronically submit a business plan and certify that it was complete and accurate.

2.1.2. Respondent violated Health and Safety Code 25505(a)(1), in that on or about November 25, 2015, and continuing until August 3, 2018, Respondent failed to submit a complete and accurate chemical inventory for used oil and product oil in accordance with the requirements found in Health and Safety Code section 25506(a).

2.1.3. Respondent violated Health and Safety Code section 25508(a)(1)(B)(2), in that on or about July 5, 2018, and continuing until August 3, 2018, Respondent failed to submit a complete and accurate business plan within

30 days of being notified of deficiencies in their business plan.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66262.34(d), in that on or about June 5, 2018, Respondent failed to operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents by releasing used oil and product oil to the floor in the hazardous material and hazardous waste storage area.

2.1.5. Respondent violated Health and Safety Code section 25270.4.5(a), Respondent failed to prepare a Spill Prevention Control and Countermeasures (SPCC) plan.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation to the satisfaction of the Department.

3.1.2. Respondent has corrected the violation to the satisfaction of the Department.

3.1.3. Respondent has corrected the violation to the satisfaction of the Department.

3.1.4. Respondent has corrected the violation to the satisfaction of the Department.

3.1.5. Respondent has corrected the violation to the satisfaction of the Department.

3. 2. Respondent shall make all payments at the time(s) and in accordance with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total penalty of \$17,544. Of the total due, \$8,772 is a penalty and \$8,772 is for funding a Supplemental Environmental Project (SEP). The penalty of \$8,772 shall be paid to the Department no later than 30 days from the effective date of this Order.

5.2. Supplemental Environmental Project.

5.2.1 Supplemental Environmental Project: Respondent shall provide monies from this settlement, not to exceed \$8,772, towards a SEP subject to the approval of the Department, within 90 days from the effective date of this Order. Respondent shall prepare a written plan (Plan) within 45 days from the effective date of this Order describing the steps in which the SEP will occur and shall provide a copy of this plan, along with an estimated itemized cost for implementing the SEP. Respondent agrees to remit any unspent portion of the \$8,772 credit to the Department within 60 days of the conclusion of the SEP and shall identify the Respondent and Docket Number, as shown in the caption of this Order. Within 15 days of the conclusion of the SEP, Respondent shall provide a written itemized listing of all costs incurred while implementing the SEP. In the event unforeseen events preclude the scheduling or implementation of the SEP, within 120 days of the effective date of this Order, Respondent shall be excused from performing the SEP and shall remit the additional \$8,772 to the Department in the manner already described.

5.3. Respondent's check(s) for the penalty shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket

Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Steven Gailey
Senior Environmental Scientist (Spec)
Department
Enforcement and Emergency Response Division
Department of Toxic Substances Control
627 Wake Avenue
El Centro, CA 92243

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 10/10/2018

Signature on File _____
John McNamara
CR&R Inc.

Dated: 10/10/2018

Signature on File _____
Steven Gailey
Department